IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

CRL.A.No. 96 of 2007()

CC.253/1999 JUDL. MAGISTRATE OF FIRST CLASS-IV, KOZHIKODE

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APPELLANT: COMPLAINANT

K.C.INDRASENAN, S/O.KUNHIRAMAN,
HOUSE NO.6/407, KASHMIKANDY (H), BANK ROAD,
KALATHIKUNNU AMSOM DESOM, CALICUT.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS: ACCUSED

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1. T.KRISHNAVENI,
UPPER DIVISION CLERK, ENGINEERING SECTION,
CORPORATION OF CALICUT.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.P.SANJAY FOR R1
SRI.A.PARVATHI MENON
P.P.SRI.C.M.KAMMAPPU FOR R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Thankappan, J.

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Crl.A. No. 96 of 2007

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Dated this the 25th day of July, 2007

JUDGMENT

The appeal is filed by the complainant against the acquittal order passed in C.C.No.253/1999 on the file of the Judicial Magistrate of the First Class-IV, Kozhikode. In the complaint filed by the appellant it was alleged that the 1st respondent issued to the appellant a cheque dated 8-2-1999 for an amount of Rs.38,687/- being the value of the share of the appellant and when the cheque was presented for encashment, it was dishonoured on the ground of insufficiency of funds. After considering the entire evidence the trial court acquitted the 1st respondent stating that the 1st respondent was found not guilty of the offence with which she was charged. When the appeal came up for admission, this Court admitted the appeal and ordered notice to the 1st respondent. The 1st respondent is represented through counsel. Now Crl.M.A.No.7910/2007 is filed signed by both sides stating that the matter has been settled out of court and hence the appeal may be allowed to be withdrawn as settled out of court. Having perused the materials placed on record and having heard the learned counsel for the appellant, this Court is of the view that the impugned judgment requires no

interference by this Court. Hence, the appeal is dismissed confirming the judgment of the trial court.

K. Thankappan,
Judge.

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It is relelvant to note that only because of the absence of the appellant, the 1st rspondent is dragged to this Court. Hence, it is only proper for this Court to allow a reasonable costs to the 1st respondent. Therefore, the appellant is directed to deposit before the court below an amount of Rs.2,000/- on or before the date of posting of the case. If the amount is deposited, the 1st respondent is permitted to withdraw the same.

K. Thankappan,J.

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Crl.A.349/2003

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Judgment
29-3-2007